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5 Phoenix, Arizona 85102-2794
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6 Attorneys for Defendants
7 EXPERIAN INFORMATION SOLUTIONS,
INC. AND CARLA BLAIR

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF ARIZONA**

10 Benjamin Yafet, an individual,

11 Case No. _____

12 Plaintiff,

13 v.

(Removed from Superior Court
of the State of Arizona, County
of Pima, Case No. C20085064)

14 Experian Information Solutions, Inc.
15 and Carla Blair, an individual,

**NOTICE OF REMOVAL OF
ACTION**

16 Defendants.

Complaint Filed: July 24, 2008

17 **Trial Date: None Assigned**

18

19 Pursuant to 28 U.S.C. § 1441, Defendants Experian Information Solutions, Inc.
20 (“Experian”) and Carla Blair (“Blair”) (collectively, the “Defendants”) hereby file their
21 Notice of Removal of the above-captioned action to this Court, and state as follows:

22 1. Experian and Blair are named as Defendants in Civil Action No.
C20085064, filed in the Superior Court for the State of Arizona, County of Pima (the
“State Court Action”).

23 2. The original Complaint in the State Court Action was filed with the Clerk of
the Pima County Superior Court on July 24, 2008. Plaintiff served the Summons and
Complaint on Defendants on July 24, 2008. A true and correct copy of the Summons and
Complaint served upon Defendants is attached hereto as Exhibit “A.”

1 3. This Notice is being filed with this Court within thirty (30) days after
2 Defendant Experian received a copy of Plaintiff's initial pleading setting forth the claims
3 for relief upon which Plaintiff's action is based.

4 4. To the best of Defendants' knowledge, all pleadings that have been filed or
5 served in the State Court Action are attached hereto as Exhibit "A." To the best of
6 Defendants' knowledge, no further proceedings, process, pleadings, orders, or other
7 papers have been filed or served in the State Court Action.

8 5. Defendants aver that there is a sufficient basis for removal on grounds of
9 federal question in that Plaintiff has filed a civil action founded on a claim or right arising
10 under the laws of the United States:

11 a. Paragraph 5 (Count Seven) of Plaintiff's Complaint alleges that
12 Defendants violated the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.*

13 b. The Fair Credit Reporting Act provides that "any action brought
14 under this chapter may be brought in any appropriate United States District
15 Court without regard to the amount in controversy." 15 U.S.C. § 1681p.

16 6. Jurisdiction: This Court has original jurisdiction over Plaintiff's claims
17 under the Fair Credit Reporting Act pursuant to 28 U.S.C. § 1331, and this civil action is
18 one that may be removed to this Court by Defendants pursuant to the provisions of 28
19 U.S.C. § 1441(b), because it is a civil action founded on a claim or right arising under the
20 laws of the United States, namely the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.*

21 7. Promptly after the filing of this Notice of Removal, Defendants shall
22 provide notice of the removal to Plaintiff in the State Court Action and to the Clerk of the
23 Court in the State Court Action, as required by 28 U.S.C. § 1446(d).

24 WHEREFORE, Defendants pray that the above-described action now pending in
25 the Superior Court of the State of Arizona for the County of Pima, be removed therefrom
26 to this Court.

1 Dated: August 21, 2008

OSBORN MALEDON, P.A.

2

3

4

5

By: s/ Timothy J. Eckstein

Timothy J. Eckstein
2929 North Central Avenue
Suite 2100
Phoenix, Arizona 85102-2794

6

7

8

9

I hereby certify that on August 21, 2008,
I served the attached document by mail
on the following, who is not a registered
participant of the CM/ECF System:

12 Benjamin Yafet
13 13791 North Bushwacker Place
14 Oro Valley, Arizona 85755

Plaintiff Pro Per

15

16

s/ Dawn M. Dybdahl

2238394_1.DOC

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18

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EXHIBIT A

ARIZONA SUPERIOR COURT, PIMA COUNTY

Plaintiff, BENJAMIN
YAFET

NO. C20085064

Defendant, CARLA BLAIR

CIVIL SUMMONS

THE STATE OF ARIZONA to the above-named Defendant

JAVIER CHON-LOPEZ

- I. A lawsuit has been filed against you.
- II. If you do not want a Judgment by default taken against you for the relief demanded in the accompanying Complaint, you must appear and defend by filing an Answer in writing in the Office of the Clerk of the Superior Court, 110 W. Congress, Tucson, Arizona, accompanied by the necessary filing fee. A copy of the Answer must also be mailed to the plaintiff/attorney whose name appears below.
- III. The Answer must be filed within TWENTY DAYS after service upon you, exclusive of the date of service, if served within the State of Arizona, or within THIRTY DAYS after service upon you, exclusive of the date of service, if served outside the State of Arizona.
- IV. This is a legal document. If you do not understand its consequences, you should seek the advice of an attorney.

WITNESS My Hand and the Seal of the Superior Court.

JUL 8 4 2008

DATED: PATRICIA A. NOLAND
CLERK OF THE SUPERIOR COURT

By

Patricia A. Noland
Deputy Clerk

ATTORNEY'S NAME, ADDRESS, PHONE



JAMES VOGLER

Dr. Benjamin K. Yafet
13791 N. Bushwacker Pl.
Oro Valley AZ 85755

520-878-9414

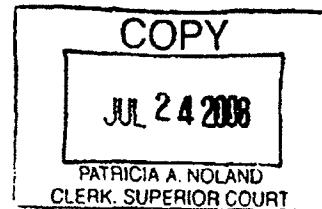
COMPUTER NO. _____

REQUEST FOR REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES MUST BE MADE TO THE COURT BY PARTIES AT LEAST THREE (3) WORKING DAYS IN ADVANCE OF A SCHEDULED COURT PROCEEDING

PLAINTIFF :

JULY 8, 2008

DR. BENJAMIN K YAFET
13791 N. BUSHWACKER PL.
ORO VALLEY, AZ 85755
TEL: 520-878-9414
FAX: 520-877-9248
Plaintiff in Pro-Se



C20085064

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PIMA

JAVIER CHON-LOPEZ

DEFENDANTS :

- 1) EXPERIAN INFORMATION SOLUTIONS, INC. "EXPERIAN",
- 2) CARLA BLAIR, IN PERSON
CONSUMER AFFAIRS SERVICES, EXPERIAN

CIVIL COMPLAINT AND CLASS ACTION LAWSUIT

Or on around January 2008, I did send a letter to EXPERIAN, requesting a copy of my credit file. By law, they have to send a free credit report once a year to every customer. Furthermore, they have to send a free credit report if one has been declined credit. I did attach to my request a credit decline letter, my full address, my social security number and my date of birth. EXPERIAN responded that they could not confirm my address and they asked for a copy of my driver licence and of an utility bill. This request was surprising since I did live at the same address for almost ten years and did receive from EXPERIAN my credit file at this very same address multiple times. (See Appendix One for a report dated January 26, 2007.) Also, there have been almost hundred of creditors, each reporting my correct address to EXPERIAN.

Nevertheless, I did comply fully with their request and provided them with a copy of my driver licence and a copy of my electricity bill both with my correct address (Appendix Two). EXPERIAN refused again (three more times) to send me a copy of my file. It is impossible to communicate with them on the phone because they do provide only a voice mail system to NON PAYING customers and there is absolutely no live agents to have any conversation with.

Having no other recourse, I did file a small claims complaint against EXPERIAN. That

case was dismissed WITHOUT PREJUDICE. EXPERIAN, although they did reply to my complaint at my address, still refused to send a copy of my credit file.

I will prove that EXPERIAN created all those difficulties ONLY TO GEAR ME TO THEIR PAID SERVICES, which happened after all their refusals as I was getting desperate to obtain my file. As soon as I was willing to pay, I got instant access to my file, with the same address. I will also prove that I am not the only victim in this case and that EXPERIAN does this as a corporate policy, against the law.

1) COUNT ONE : EXPERIAN refused to send my a copy of my credit file on or around beginning January. The law specifies a fine of \$1,000 for each violation plus punitive damages.

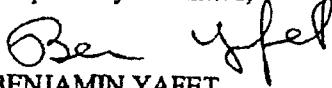
2) COUNT TWO, THREE AND FOUR : EXPERIAN did refuse, three more times to send me a copy of my credit file, even after receiving a copy of my driver licence and of an utility bill, all with my correct address.

3) COUNT FIVE : EXPERIAN did respond to my complaint at my address but still DID REFUSE to send me a copy of my credit file. The three month delay in accessing my file, delayed many corrections that were needed to correct mistakes in the file and did delayed my obtention of many loans including a car loan.

4) COUNT SIX (AGAINST CARLA BLAIR, IN PERSON) :
CARLA BLAIR, Consumer Affairs Representative of EXPERIAN, did commit MULTIPLE COUNTS OF PERJURY in Court. Instead of admitting to a mistake and taking corrective action, she did lie in Court, wrongly, knowingly and maliciously that EXPERIAN did not have my address. Even the evidence she did provide the Court, had my correct address in the very first page, not to mention all the numerous creditors, each reporting my with my correct address ! (See Appendix Three).

5) COUNT SEVEN : CLASS ACTION COMPLAINT. Plaintiff will prove in Court that his case is not unique and that EXPERIAN, as a corporate policy, wrongly and maliciously denies to million of customers their legitimate and lawful access to their credit files, with the purpose of gearing them to use their paid services. In doing so their brake the law (Fair Credit Reporting Act) in a massive way.

Respectfully Submitted,



BENJAMIN YAFET

JULY 8, 2008



Prepared for
BENJAMIN K YAFET
Report number
3773328790

Report date
January 26, 2007
www.experian.com/disputes

Page 1 of 26

Before contacting us, you should carefully review this report.

Disputing information in your report

If you disagree with an item, you may dispute it. We will contact the source of the information and ask them to check their records. Because your report is updated often, contact us within 90 days from the date above.

For the fastest and easiest way to dispute information, visit:
www.experian.com/disputes

Or call 1 800 509 8495. Dispute services are available 24 hours a day, seven days a week.

Your personal credit report

Potentially negative items or items for further review

The most common items in this section are late payments, accounts that have been charged off or sent to collection, bankruptcies, liens, and judgments. It also may contain items that are not necessarily negative, but that a potential creditor might want to review more closely, such as an account that has been settled or transferred.

Accounts in good standing

Items display in this section when your creditor reports that you have satisfactorily met the terms of your agreements with them. Some creditors may not report consumer credit information to us, so all of your accounts may not be listed.

History of your account balances

Reports up to two years of your monthly balances on an account, if reported by your creditor.

Requests for your credit history

We list anyone that has reviewed your credit information in the last two years.

Personal information

This information is reported to us by you, your creditors and other sources.

Other Experian credit management tools

Score report

Order your VantageScore™ from Experian for only \$6 by calling 1 888 322 5583.

Credit Manager

Receive unlimited access to your credit report, score and other credit management tools at www.creditexpert.com.

About Experian

Experian collects and organizes information about you and your credit history from public records, your creditors and other reliable sources. By law, we cannot disclose certain medical information (relating to physical, mental, or behavioral health or condition). Although we do not generally collect such information, it could appear in the name of a data furnisher (i.e., "Cancer Center") that reports your payment history to us. If so, those names display in your report, but in reports to others they display only as "Medical Information Provider". Consumer statements included on your report at your request that contain medical information are disclosed to others.

0001318443 F-178-00212-0113060

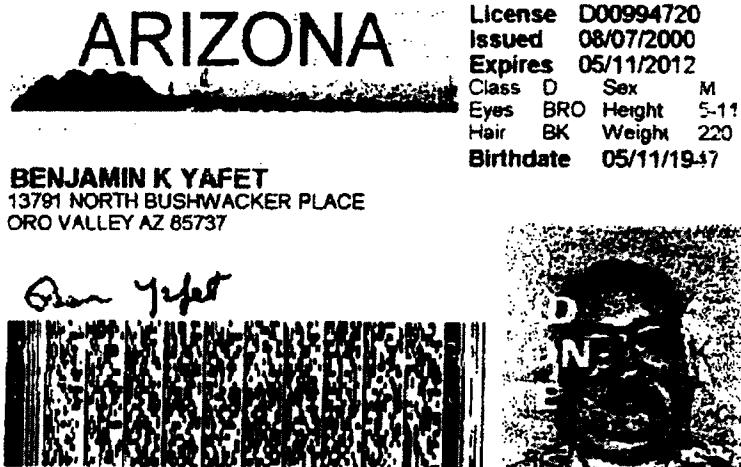


000212 4 SP 1.10 F 178 *
BENJAMIN K YAFET
1371 N BUSHWACKER PL
TUCSON AZ 85737

ON
OR

APPENDIX

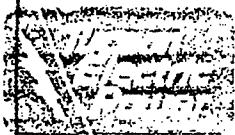
- APPENDIX TWO -
(two pages)



Civil Rights Complaint

Page 3 of 3

PAGE: 1



Account: 4676550044
 Bill Date: 12-11-2007
 nms Form Mailer 2001 Long Distance Managers
 Written as drop-in replacement for Form Mailer BUSINESS MANNER, Inc.
 ORO VALLEY, AZ 85737-5717

A UniSource Energy Company

Previous Balance	- Payments/Credits	+ Charges/Debits	= Current Balance
132.72	132.72	116.92	116.92

DUE DATE	AMOUNT DUE
12-26-2007	\$116.92

Payment: \$132.72 on 11/23/2007 - Thank you!

R01 - Residential (Service No: 4676557544)

Cost of Electric Service Used 11-07-07 - 12-10-07

COMPETITIVE SERVICES

Generation of Electricity	80.74
AZISA Assessment	0.01
Transmission & Ancillary	14.52
Billing	2.52
Meter Services	1.01
Meter Reading	0.80

The Above Competitive Charges Can
Be Compared to Other Suppliers

TIE DELIVERY SERVICES

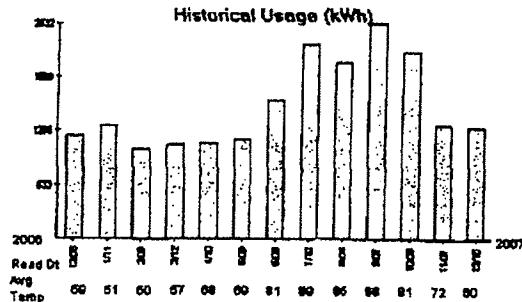
Customer Charge	0.82
Distribution Delivery	.41.41
System Benefits	1.88
Environmental Portfolio Surcharge	0.35
Competition Transition Charge	35.02 CR

TAXES AND ASSESSMENTS

ACC Assessment	0.21
RUCO Assessment	0.04
State Sales Tax	8.05
County Sales Tax	0.54
City Sales Tax	2.16

Total Electric Service Charges

116.92



Meter	Unit of Measure	Next Read Date	Current Read Date	Prior Read Date	Days	Current Reading	- Prior Reading	= Reading Difference	x Multiplier	= Usage
XH-657643	kWh	1-11	12-10	11-7	33	4233	4103	130	10	1300

Case No. C08-512527
 State's Plaintiff's Exhibit 1
 Defendant's

- APPENDIX THREE (two
pages) -

BENJAMIN YAFET
13791 N BUSHWACKER PL
ORO VALLEY, AZ 85755
520-878-9414

APRIL 15, 2008

COMPLAINT AGAINST HEARING OFFICER DAVE KRYGER

IN RE.: CV08-512527B-SC

1) BACKGROUND :

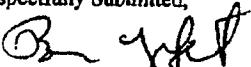
In beginning January 2008, I did ask EXPERIAN, to send me a copy of my credit file with them. By law, they have to send a free credit report once a year. Furthermore, they have to send a free credit report if one has been declined for credit. I did attach to my request a credit decline letter, my full address, my social security number and my date of birth. EXPERIAN responded that they could not confirm my address and they asked for a copy of my driver licence and of an utility bill. Although this request was surprising, I did comply fully with their request. Note also that, for almost ten years I did live at the same address and that I got my credit file from EXPERIAN almost each and every year for the last ten years. EXPERIAN declined again twice to send me the requested report. It was impossible to communicate with them on the phone because they do provide only a voice mail system to NON PAYING customers. Having no other recourse, I did file this Small Claims case. All the above is documented in the case file.

2) Disregarding the law and the evidence, the Hearing Officer, dismissed my complaint and ordered my to pay EXPERIAN 9 (nine) dollars. The most striking parts in his decision are the following facts :

2.a) He did disregard the copy of my driver licence and electricity bill, with my full name and address that I did send, as requested, to EXPERIAN.
2.b) EXPERIAN did submit to the Court a copy of my credit file dated February 27, 2008 and referred to the end of the file, which lists all my past addresses and claimed, wrongly and maliciously, that they could not find my present address there (see the evidence). However, my present address was displayed prominently on the FIRST PAGE and this is where EXPERIAN puts the current address ! When I wanted to mention this obvious fact to the Court, Mr. Kryger ordered my to shut up and did threaten me with arrest if I did say anything else to the Court !!! The copy of the first page of my credit file with my full CORRECT ADDRESS is attached here as Appendix 1.

3) As I was trying to exit the courtroom by the entrance door, Mr. Kryger again yelled at me threateningly, and asked me to leave by an another door, as if I was supposed to know by which door to leave !

Respectfully Submitted,


BENJAMIN K YAFET

PHOENIX
JUSTICE COURT
8 APR 15 P 1 : 1



Prepared for
BENJAMIN KYAFF
Report number
3541842295

Report date
February 27, 2008

Page 1 of 30
www.experian.com/disputes

Before contacting us, you should carefully review this report.

Disputing information in your report

If you disagree with an item, you may dispute it. We will contact the source of the information and ask them to check their records. Because your report is updated often, contact us within 90 days from the date above.

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www.experian.com/disputes

Or call 1 800 509 8495, M - F 7:30 a.m. - 5 p.m., Central Time.

Your personal credit report

Potentially negative items or items for further review

The most common items in this section are late payments, accounts that have been charged off or sent to collection, bankruptcies, liens, and judgments. It also may contain items that are not necessarily negative, but that a potential creditor might want to review more closely, such as an account that has been settled or transferred.

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History of your account balances

Reports up to two years of your monthly balances on an account, if reported by your creditor.

Requests for your credit history

We list anyone that has reviewed your credit information in the last two years.

Personal information

This information is reported to us by you, your creditors and other sources.

Tools to manage your personal credit

What's your credit score?

Find out by ordering your VantageScoreSM from Experian for only \$6. To order your VantageScoreSM, call 1 888 322 5583.

Credit Manager

Receive unlimited access to your credit report, score and other credit management tools at www.creditexpert.com.

About Experian

Experian collects and organizes information about you and your credit history from public records, your creditors and other reliable sources. By law, we cannot disclose certain medical information (relating to physical, mental, or behavioral health or condition). Although we do not generally collect such information, it could appear in the name of a data furnisher (i.e., "Cancer Center") that reports your payment history to us. If so, those names display in your report, but in reports to others they display only as "Medical Information Provider". Consumer statements included on your report at your request that contain medical information are disclosed to others.

BENJAMIN KYAFF
1371 N BUSHWACKER PL
CHI VALLEY AZ 85755

0001318443

APR/08/14